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S.N. 09/988,102

application directed to non-elected claims 17-24, identified by the Examiner as Species II (figures 7 and 7a).

The Applicants respectfully traverse the Examiner's restriction requirement for the reasons stated below.

Claims 1 and 29 Appear to Be Generic

The Examiner asserts that the claims are directed to the following patentably distinct species of the claimed invention and that none of the claims appears generic:

Species I: Figures 1-6

Species II: Figures 7 and 7a

The Applicants wish to note that Figure 1 illustrates a prior art manifold that does not embody either species, while Figure 2 shows a perspective view of the manifold that is generic to both species. Therefore, neither figure is representative of any particular species being claimed by the Applicants. Although the Examiner asserts that there is no generic claim present in the application, the Applicants contend that independent claims 1 and 29 are generic since these claims include no material element additional to those recited in the species claims. See MPEP 806.04(d). Claim 1 recites:

1. A single-piece manifold for a fire sprinkler system comprising:

a body defining a conduit therethrough, an inlet to said conduit for connecting said manifold to a supply of water, an outlet to said conduit for connecting said manifold to the fire sprinkler system, a main valve in said conduit movable between an open position in which water may enter said body and a closed position in which water is prevented from passing through said body, a check valve arrangement within said conduit for preventing reflux of water back into said water supply, and a vent passageway in communication with said conduit for

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preventing water from flowing through said conduit when there is a pressure surge in said water supply.

Claim 29 recites:

29. A single-piece manifold for a fire sprinkler system comprising a body having a flowpath therethrough, an inlet to said flowpath for connecting said body to a supply of water, an outlet to said flowpath for connecting said body to said sprinkler system, and a means for preventing the sounding of false alarms.

Claims 2-16, 25-28 and 30-33 of Species I are directed to the single-piece manifold having a valve arrangement that is slidable between open and closed positions, while claims 17-24 of Species II are directed to an embodiment of the single-piece manifold having a check valve arrangement being pivotable between an open and closed positions. A review of claims 1 and 29 clearly shows that these claims are generic since they include no material element additional to those recited in the species claims. Accordingly, the Applicants respectfully request that these claims should be considered generic and that the non-elected species embodied by claims 17-24 be considered allowable if the Examiner finds any of the generic claims allowable.

Claims Directed to Species I and II Are Unpatentable Over Each Other

A restriction requirement is unnecessary and election of species should not be required if the species claimed are considered clearly unpatentable (obvious) over each other. See MPEP 808.01(a). In making a restriction requirement in an application claiming plural species, the Examiner should group together species considered clearly unpatentable over each

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other, with the statement that restriction as between those species is not required. Id. As noted above, the claims of Species I and Species II are directed to valve arrangements comprising first and second check valves within a conduit for preventing reflux of water back into the water supply. The only difference between the two species is that one embodiment slides upon actuation while the second embodiment pivots when actuated. However, this distinction does not appear sufficient to require restriction of the two species because both types of check valves are substantially similar in structure as well as operation. In particular, both valve arrangements have similar structures that prevent fluid flow communication through the conduit until actuated and prevent reflux during operation using a spring-loaded operation. See Figures 3 and 7. Accordingly, both species should be considered unpatentable (obvious) over one another and the restriction requirement withdrawn.

In addition, there is no undue burden on the Examiner to examine both embodiments together because both embodiments should be classified under the same classification due to the physical and functional similarities between the two valve arrangements as noted above.

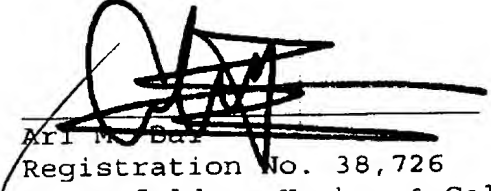
Based on the foregoing, the inventions recited in Species I and Species II are obvious variants of one another and the Examiner is respectfully requested to withdraw his restriction requirement in view of these structural and operational similarities noted by the Applicants.

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The Examiner is requested to call the undersigned attorney collect if he has any questions related to the Applicants remarks and arguments traversing the Examiner's restriction requirement.


Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that on August 4, 2003, the foregoing amendment is being sent via facsimile #703-872-9302 to Technology Center 3700, Examiner Davis Hwu.


Signature

Dianna Swarringin

Printed Name of Person Signing Certificate

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GROUP 3700